

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Action Case No.5:19-cv-00834-DAE
)	
v.)	
)	
JOHN DOE,)	
)	
Defendant.)	
_____)	

PLAINTIFF/COUNTER-DEFENDANT'S ANSWER TO COUNTERCLAIMS

PARTIES

92. Admitted.

93. Admitted.

JURISDICTION

94. Admitted.

95. Admitted.

96. Admitted.

FACTS

97. Admitted.

98. Plaintiff/Counter-Defendant does not dispute that free pornographic material is available in the Internet. Plaintiff/Counter-Defendant lacks sufficient information or knowledge to form a belief as to the truth of the remaining allegations in Paragraph 98 of the Defendant's Answer.

99. Denied.

100. Denied.

101. Plaintiff/Counter-Defendant does not dispute that infringement of its copyrights occurs soon after its works are published.

102. Plaintiff/Counter-Defendant does not dispute that it has hired the consulting firm, IPP, to act on Plaintiff's behalf to track and record instances of infringement of its copyrights. Plaintiff/Counter-Defendant denies that IPP connects to networks controlled and operated by members of the public, and accesses their private computer data.
103. Admitted to the extent that such members of the public are not subscribers to Plaintiff's website. Denied as to the remaining allegations.
104. Plaintiff/Counter-Defendant lacks sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 104 of the Answer, and therefore denies the same. Plaintiff-Counter-Defendant does not instruct IPP on its methods of detection or recording of instances of copyright infringement.
105. Plaintiff admits that it uses the information provided by IPP, including IP addresses being used to infringe its copyrighted films, for purposes of enforcing its copyrights.
106. Admitted to the extent that pieces of data sent from an IP address to IPP are used as a basis for bringing a copyright infringement suit against infringers. Denied as to the remaining allegations.
107. Admitted that IP addresses can be used to identify a subscriber of Internet service. Denied as to the remaining allegations.
108. Denied.
109. Admitted that Plaintiff/Counter-Defendant seeks redress from those who infringe its copyrighted materials. Denied as to the remaining allegations.
110. Denied.
111. Denied.
112. Denied.
113. Denied.

COUNT ONE (Declaratory Judgment of Non-Infringement)

114. Malibu Media incorporates its responses to Paragraphs 92-113 as if fully set forth.

115. Admitted.

116. Denied.

117. Counter-Defendant lacks sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 117 of the Answer, and therefore denies the same.

118. Denied.

119. Denied.

120. Denied.

COUNT TWO (Abuse of Process)

121. Malibu Media incorporates its responses to Paragraphs 92-120 as if fully set forth.

122. Admitted that Plaintiff/Counter-Defendant initiated a suit for copyright infringement against Defendant. Plaintiff/Counter-Defendant denies the remainder of the allegations contained in Paragraph 122.

123. Denied.

124. Denied.

125. Admitted that Plaintiff brought a cause of action against Defendant within the statute of limitations period. Denied as to the remaining allegations.

126. Denied.

127. Denied.

128. Plaintiff/Counter-Defendant does not dispute that certain individuals may be more capable of hiding instances of infringement. Defendant denies that he engaged in any conduct in violation of Federal law and denies that he caused any damages to Plaintiff or that Plaintiff is otherwise entitled to relief. Defendant lacks sufficient information or knowledge to form a belief as to the truth of the remaining allegations, and therefore denies the same.

129. Denied.

COUNT THREE (Harmful Access by Computer)

130. Malibu Media incorporates its responses to Paragraphs 92-129 as if fully set forth.
131. Plaintiff/Counter-Defendant lacks sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 131 of the Answer, and therefore denies the same.
132. Denied.
133. Denied.
134. Denied.
135. Plaintiff/Counter-Defendant lacks sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 135 of the Answer, and therefore denies the same.
136. Denied.

Plaintiff/Counter-Defendant demands a jury on all issues triable by jury.

Dated: July 31, 2020

Respectfully submitted,

By: /s/ Paul S. Beik
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ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that, on July 31, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Paul S. Beik
PAUL S. BEIK